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5 UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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GERALD NETZKY and DIANNA)
NETZKY,)
Plaintiffs,) 2:11-CV-00128-PMP-LRL
v.)
BANK OF AMERICA, et al.,) ORDER
Defendant.)
-----)

15 Before the Court for consideration is Defendant Bank of America Home Loan
16 Servicing LP's Motion to Dismiss, or in the Alternative Motion for Summary Judgment
17 (Doc. #4) filed January 31, 2011. On February 14, 2011, Plaintiffs filed a Motion to
18 Remand the Action to State Court and to "Dismiss" Defendant Bank of America's Motion
19 to Dismiss (Docs. #8 & #9). On February 25, 2011, Defendant MTC Financial, Inc. filed a
20 Motion to Dismiss Plaintiffs' Complaint (Doc. #20).

21 The Court finds that Defendants have demonstrated that jurisdiction lies in this
22 Court and that removal was appropriate based upon diversity of citizenship and a sum in
23 controversy in excess of \$75, 000.00. 28 U.S.C. §1332. Therefore, Plaintiffs' Motion to
24 Remand must be denied.

25 Plaintiffs have not in their filings substantively responded to the arguments in the
26 pending Motions to Dismiss (Docs. #4 & #20). Notwithstanding Defendants' arguments
27 that Plaintiffs should not be permitted additional time to do so, the Court will permit
28 Plaintiffs to and including **April 1, 2011** within which to file a substantive response to

1 Defendants' Motions to Dismiss (Doc. #4 & #20).

2 **IT IS SO ORDERED.**

3 **IT IS FURTHER ORDERED** that Plaintiffs' Motion to Remand (Doc. #8) is
4 DENIED.

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6 DATED: March 17, 2011.



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8 PHILIP M. PRO
9 United States District Judge
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